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10 The Honorable Ricardo S. Martinez  
11

12 UNITED STATES DISTRICT COURT  
13 WESTERN DISTRICT OF WASHINGTON AT SEATTLE  
14

15 KENNETH FLEMING, JOHN DOE, R.K., and  
16 T.D.,

17 Plaintiffs,

18 v.

19 THE CORPORATION OF THE PRESIDENT  
20 OF THE CHURCH OF JESUS CHRIST OF  
21 LATTER-DAY SAINTS, a Utah corporation  
22 sole, a/d/a "MORMON CHURCH"; LDS  
23 SOCIAL SERVICES a/d/a LDS, a Utah  
24 corporation,  
25

26 Defendants.  
27  
28

29 NO. 04-2338 RSM  
30

31 ORDER ON DEFENDANTS'  
32 MOTIONS IN LIMINE  
33

34 [PROPOSED]

35  
36 Defendants have filed motions in limine. The Court has considered Defendants' motions,  
37 the Plaintiff's opposition, and Defendants' reply. The Court hereby rules on these motions as  
38 follows:

39 1. An order excluding all evidence relating to Jack Loholt after January 1973,  
40 including his criminal convictions and his counseling at LDS Social Services, is  
41

42 GRANTED DENIED RESERVED.  
43  
44

45  
ORDER - 1  
No. 04-2338 RSM

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1       2. An order precluding Plaintiff from offering the testimony of his rebuttal expert,  
2  
3 Dr. Newberger, is \_\_\_\_\_ GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_ RESERVED.  
4

5       3. An order precluding Plaintiff from referring to Irwin Dreiblatt, Ph.D., an expert  
6 not called as a witness, is \_\_\_\_\_ GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_ RESERVED.  
7

8       4. An order excluding evidence regarding changes in the church's policies regarding  
9 the handling, investigation or reporting of sexual abuse allegations is  
10  
11 \_\_\_\_\_ GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_ RESERVED.  
12

13       5. An order excluding any settlement demands, offers, or other exchanges of  
14 information/documentation regarding resolution of the case is \_\_\_\_\_ GRANTED  
15  
16 \_\_\_\_\_ DENIED \_\_\_\_\_ RESERVED.  
17

18       6. An order excluding reference to the fact that any jury award will be shared with  
19 plaintiff's attorneys is \_\_\_\_\_ GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_ RESERVED.  
20

21       7. An order excluding any testimony or documentation regarding the church's  
22 assets, finances, or policies and practices regarding tithing is  
23  
24 \_\_\_\_\_ GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_ RESERVED.  
25

26       8. An order excluding testimony or documentation regarding COP's insurance  
27 coverage or lack thereof is \_\_\_\_\_ GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_ RESERVED.  
28

29       9. An order precluding witnesses and counsel from referring to the Allenbach home  
30 as a "compound" is \_\_\_\_\_ GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_ RESERVED.  
31

32       10. An order precluding plaintiff from offering evidence to contradict the church's  
33 interpretation of its own doctrine, including but not limited to the meaning of "high priest" is  
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35 \_\_\_\_\_ GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_ RESERVED.  
36

1        11. An order excluding the Encyclopedia of Mormonism and any reference thereto is  
2        \_\_\_\_\_ GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_ RESERVED.  
3

4        12. An order excluding Mrs. Kelly's testimony that Dr. Allenbach was a "bishop" and  
5        "very high in the church" is \_\_\_\_\_ GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_ RESERVED.  
6

7        13. An order excluding any reference to and/or introduction of evidence of other  
8        lawsuits or claims made against defendant COP is \_\_\_\_\_ GRANTED \_\_\_\_\_ DENIED  
9        \_\_\_\_\_ RESERVED.  
10

11        14. An order excluding any reference to and/or introduction of evidence regarding  
12        lawsuits or claims against other religious denominations for sexual abuse of children made is  
13        \_\_\_\_\_ GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_ RESERVED.  
14

15        15. An order excluding the admission of prior deposition testimony of Dwayne  
16        Liddell and Harold Brown from another case is \_\_\_\_\_ GRANTED \_\_\_\_\_ DENIED  
17        \_\_\_\_\_ RESERVED.  
18

19        16. An order excluding medical or psychological testimony of any witness who is not  
20        qualified to express such opinions is \_\_\_\_\_ GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_ RESERVED.  
21

22        17. An order excluding lay witnesses from testifying regarding their interpretation of  
23        RCW 26.44, or their lay opinions regarding legal obligations to report childhood sexual abuse is  
24        \_\_\_\_\_ GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_ RESERVED.  
25

26        18. An order precluding plaintiffs' counsel from asking the jury to place themselves  
27        in the position of plaintiffs is \_\_\_\_\_ GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_ RESERVED.  
28

19. An order precluding plaintiff from presenting evidence on or seeking relief on any theory of liability or damages not set forth in plaintiffs' Complaint is \_\_\_\_\_ **GRANTED**

DENIED        RESERVED.

20. An order excluding all non-party witnesses from the courtroom during trial is  
**GRANTED      DENIED      RESERVED.**

21. An order precluding counsel from displaying any exhibits before the jury until each exhibit is admitted by this Court into evidence, or until permission has been obtained from the Court is      **GRANTED**      **DENIED**      **RESERVED.**

22. An order requiring the parties to give the other side 24-hours' notice before any non-party witness is called, or before any deposition is offered is \_\_\_\_\_ GRANTED  
DENIED      RESERVED.

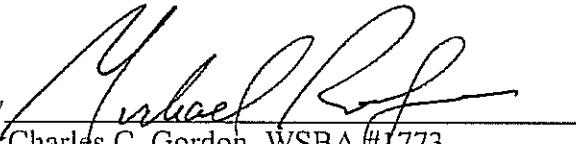
23. An order barring mention that any motions in limine were filed and/or argued before this Court is **GRANTED** **DENIED** **RESERVED.**

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2006

**THE HONORABLE RICARDO S. MARTINEZ**

1  
2 Presented by:  
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5 **GORDON MURRAY TILDEN LLP**  
6  
7

8 By 

9 Charles C. Gordon, WSBA #1773  
10 Jeffrey I. Tilden, WSBA #12219  
11 Michael Rosenberger, WSBA #17730  
12 Attorneys for Defendant The Corporation of the  
13 President of The Church of Jesus Christ of Latter-Day Saints